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No. 15-648

In The
Supreme Court of the United States

V.L.,

Petitioner,

v.

E.L., AND GUARDIAN AD LITEM, AS REPRESENTATIVE OF MINOR CHILDREN,

Respondents.

On Petition for a Writ of Certiorari to the Alabama Supreme Court

BRIEF OF *AMICI CURIAE* DONALDSON ADOPTION INSTITUTE, NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN, FIRST FOCUS, CENTER FOR THE STUDY OF SOCIAL POLICY, CHILD WELFARE LEAGUE OF AMERICA, VOICE FOR ADOPTION, AMPERSAND FAMILIES, CENTER FOR ADOPTION POLICY, AND FAMILY BUILDERS BY ADOPTION IN SUPPORT OF PETITIONERS

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IDENTITY AND INTEREST OF AMICI CURIAE[1]

Since 1996, the **Donaldson Adoption Institute (DAI)** has worked to improve the lives of children and families across the country and around the world through research, education, and advocacy that have led to better laws, policies, practices, and perceptions. To achieve its goals, DAI investigates the issues and problems of greatest concern to first/birth parents, adopted persons, adoptive families, and the people who love them. DAI then determines best practices and offers policy recommendations. It works with a broad array of partners in educational efforts and advocacy campaigns to eliminate policy and practice barriers—including obstacles faced by gay and lesbian individuals and couples—to adoption of children in foster care waiting for permanent homes. DAI's newest initiative, Let's Adopt Reform, seeks to reframe the adoption conversation with new public opinion research and the voices of the adoption community to ignite a new national dialogue about adoption in the 21st century and advocate for change by outlining critical policy and practice reforms.

The **North American Council on Adoptable Children (NACAC)** is a non-profit organization that

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[1]Pursuant to Supreme Court Rule 37.3(a), all parties have consented to the filing of this brief. Letters evidencing such consent have been filed with the Clerk of the Court. Further, pursuant to Rule 37.6, no person other than *Amicus Curiae* and their counsel have participated in drafting this brief or made a monetary contribution intended to fund the preparation or submission of this brief.

promotes and supports permanent families for children and youth in the U.S. and Canada—especially children and youth who are or have been in foster care and those with special needs. To accomplish its mission, NACAC offers adoption support, capacity building for parents and youth, policy and advocacy, and education and information sharing. NACAC has long been dedicated to reducing barriers that prevent all children and youth from having a permanent, loving family, including restrictions that prevent or discourage gays and lesbians from adopting or fostering children who need a family.

First Focus is a bipartisan advocacy organization dedicated to making children and families the priority in federal policy and budget decisions. First Focus leads a comprehensive advocacy strategy, with its hands-on experience with federal policymaking and a commitment to seeking policy solutions. One of First Focus' priority issues is Child Rights: Every child should have quality healthcare, a good education, and a safe home and community.

The Center for the Study of Social Policy (CSSP), a nonpartisan Washington, D.C., non-profit organization, has been working with state and federal policymakers and communities across the country for over thirty years. Focused on public policy, research and technical assistance, CSSP promotes smart policies that improve the lives of children and their families and works to achieve equity for those too often left behind. Using data, extensive community experience and a focus on results, CSSP's work covers several broad areas, including promoting public policies that strengthen vulnerable families; reforming child welfare systems; mobilizing a national network to prevent child abuse and promote optimal development for young children

(Strengthening Families Initiative); assisting tough neighborhoods with the tools needed to help parents and their children succeed (Promise Neighborhoods); educating residents to be effective consumers securing better goods and services (Customer Satisfaction Project); and promoting, through all its work, an even playing field for children of all races, ethnicities, and income levels. CSSP's work in child welfare focuses on ensuring that child welfare policies, practices, and systems meet the safety, permanency, and well-being needs of the children and youth that come to the attention of the public child welfare system. At the core of CSSP's efforts is a long-standing commitment that children need the stability and support of life-long families and that, whenever possible, children should remain with their biological families.

The Child Welfare League of America (CWLA), established in 1920, is the nation's oldest and largest membership-based child welfare organization. CWLA is a coalition of public and private agencies serving children and families who are vulnerable by advancing standards of excellence, accreditation, and the best research-based practices with respect to child welfare work. In particular, CWLA is recognized nationally as the standard-setter for child welfare services and publishes thirteen "Standards of Excellence" as a means to achieve professionalism and uniformity in the administration of child welfare services, including in particular Standards of Excellence for Adoption Services. CWLA's Standards also influence and improve child welfare practices throughout North America, as well as informing the Standards of Accreditation for agency administration, management, and service delivery for accredited child welfare agencies.

Voice for Adoption (VFA) is a membership advocacy organization with a network of grassroots adoption and child welfare advocates throughout the country. VFA develops and advocates for improved adoption policies, and its members recruit and support adoptive families. Recognized as a national leader in special needs adoption, VFA works closely with federal and state legislators to make a difference in the lives of the 108,000 children in foster care who are waiting to be adopted and the families who adopt children from foster care. VFA is concerned about children who unnecessarily languish in foster care in need of permanent families. VFA believes that children deserve every opportunity to have a permanent, loving family, and that ruling out prospective parents due to their sexual orientation limits children's options for permanency. VFA opposes policies and practices that discriminate against prospective parents, including but not limited to discrimination based on age, race, ethnicity, gender, sexual orientation, religion, marital status, family size, disability, medical condition, geographic location, employment status, occupation, and educational attainment. VFA is supportive of policies, practices, and laws that ensure that young people in foster care are afforded the best opportunity to grow and lead successful lives, thus it supports making decisions about matching waiting children with prospective parents on a case-by-case basis, based on the best interests of each child.

Ampersand Families recruits and supports permanent families for older youth, and champions practices in adoption and permanency that restore belonging, dignity and hope.

The Center for Adoption Policy (CAP) is a New York based 501(c)3 organization. Its mission is to

provide research, analysis, advice and education to practitioners and the public about current legislation and practices governing ethical domestic and intercountry adoption in the United States, Europe, Asia, Latin America, and Africa. CAP is an independent entity. It is not affiliated with any agency or entity involved in the placement of children.

Family Builders by Adoption believes that every child has the right to grow up in a permanent, nurturing family regardless of that child's age, race, ethnicity, gender, religion, sexual orientation, gender identity/expression, or medical, physical, or emotional condition. Family Builders educates the community about the needs of waiting children, advocates on their behalf, and places children with permanent, secure families through adoption, and other forms of permanence. Family Builders' goal is that no child will leave the foster care system without a permanent, loving, and caring parent.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Petition has demonstrated convincingly that the Alabama Supreme Court's decision violates the Full Faith and Credit Clause, a contention we support but will not belabor. *Amici Curiae*, all nonprofit groups focused on best practices for adopted children, file this brief to highlight the grave impact on adopted children of undoing completed adoptions.

The States widely recognize the adverse effect of unwinding an adoption and have passed statutes to protect the finality of adoptions. These statutes reflect the strong public policy interest in preventing harms to adoptive children that result from having

their relationship with an adoptive parent severed. Substantial social science research demonstrates what we all know as human beings: children who are separated from a parent face a serious risk of irreparable psychological harm.

The repercussions of the Alabama decision are potentially far-reaching. Under the decision's reasoning, a state court may decline to recognize an adoption from another state based on its belief that the court that granted the adoption did not strictly comply with a statutory provision. That is a very dangerous precedent that endangers the well-being of adopted children. Until now, decisions invalidating out-of-state adoptions have been extremely rare. The Court should grant *certiorari* to prevent the Alabama decision's reasoning from being followed by any other state court, thereby putting even more adopted children in harm's way. *See infra* Section I.

Another reason the Court should grant *certiorari* is that the Alabama decision places a particular class of adoptive children at risk: those who have gained an additional parent through second parent adoptions. In these adoptions, an existing parent's parental rights and responsibilities are not terminated. Instead, the child gains an additional parent. Most States' statutes, like Georgia's, do not expressly provide for second-parent adoptions. But States have nonetheless interpreted their statutes to permit them.

These statutory schemes begin with the paradigm of a traditional adoption. Under that paradigm, upon an adoption, all existing parental relationships are terminated, and the child gains a new adoptive parent or parents. But that paradigm does not reflect the reality of all adoptions. As a result, most

States allow stepparent adoptions, in which (1) an existing parent retains parental rights and responsibilities and (2) the child gains a new adoptive parent who is married to the existing parent.

Unlike the Alabama Supreme Court, however, most state courts have declined to interpret stepparent adoption provisions as a ban on allowing similar adoptions by unmarried couples. As a result, thousands of children nationwide have gained an additional parent through a second-parent adoption, even though the adoptive parent is not married to the child's existing parent.

The reasoning of the Alabama Supreme Court creates a serious threat of disruption to the parent-child relationships that have been legally recognized in this fashion. If followed by other state courts, the Alabama Supreme Court's decision would imperil the continued recognition of these second-parent adoptions. *See infra* Section II(A). In addition to the serious trauma that can be caused by severance of a parent-child relationship, affected children would face other highly negative consequences, including loss of health insurance, child support, inheritances, and the security of having the adoptive parent available to care for the child in the event of the biological/first parent's death. *See infra* Section II(B).

For all of these reasons, the Alabama Supreme Court's decision presents a serious risk to adopted children that warrants granting *certiorari*.

ARGUMENT

I. THE DECISION BELOW THREATENS A BEDROCK PRINCIPLE OF ADOPTION LAW THAT PROTECTS CHILDREN: FINALITY.

Georgia's ban on collateral attacks on completed adoptions after six months (*see* Ga. Code Ann. §19-8-18(e) (2015)) reflects a broad national consensus that adoptions require more protection from collateral attacks than other types of judgments. State legislatures nationwide impose time limitations similar to Georgia's that bar collateral attacks on completed adoptions. 2 Ann M. Haralambie, *Handling Child Custody, Abuse and Adoption Cases* §14.28 n.1 (Westlaw database updated Dec. 2015) (collecting statutes).[2] Ironically, Alabama itself prohibits

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[2] *See* Ala. Code §26-10A-25(d) (2015) (one year); Alaska Stat. §25.23.140 (2015) (one year, unless adoptee not yet in adoptive parents' custody or adult adoptee had no notice of the adoption decree within the one-year period); Ariz. Rev. Stat. Ann. §8-123 (2015) (one year); Ark. Code Ann. §9-9-216 (2015) (one year, unless adoptee not yet in adoptive parents' custody or adult adoptee had no knowledge of the adoption decree within the one-year period); Cal. Fam. Code §9102 (2015) (one year except for fraud); Colo. Rev. Stat. §19-5-214 (2015) (91 days; one year for stepparent adoption); Del. Code Ann., tit. 13, §918 (2015) (six months); D.C. Code Ann. §16-310 (2015) (one year); Fla. Stat. Ann. §63.182 (2015) (one year); Haw. Rev. Stat. §578-12 (2015) (one year); 750 Ill. Comp. Stat. 50/11 (2015) (12 months); Ky. Rev. Stat. Ann. §199.540 (2015) (one year); La. Child. Code art. 1148 (2015) (ninety days); Md. Code Ann., Fam. Law §5-342, 5-353 (2015) (one year); Mich. Comp. Laws Ann. §710.64 (2015) (21 days); Miss. Code Ann. §93-17-15 (2015) (six months); Mo. Rev. Stat. §453.140 (2015) (one year); Neb. Rev. Stat. §43-116 (2015) (two years); N.H. Rev. Stat. Ann. §170-B:21 (2015) (one year); N.C. Gen. Stat. §48-2-607 (2015) (cannot

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virtually any kind of collateral attack on an adoption after one year has passed. Ala. Code §26-10A-25(d) (2015). Georgia's statutory bar to collateral attacks on adoptions applies even to jurisdictional attacks. *Williams v. Williams*, 717 S.E.2d 553, 553-54 (Ga. Ct. App. 2011).

These limitations on collateral attacks on adoption judgments reflect "the compelling public interest in the finality and certainty of judgments . . . affecting familial relations," an interest the Alabama Supreme Court acknowledged in its decision (*see* Pet. App. 14a (quoting *Bates v. Bates*, 730 S.E.2d 482, 483 (Ga. Ct. App. 2012))), but then proceeded to disregard. The Petitioner here has amply demonstrated that the decision violates the Full Faith and Credit Clause because the Alabama Supreme Court engaged in what it called its "own analysis of the Georgia adoption statutes." Pet. App. 22a. That violation also undermines the critical public policy underlying Georgia's six-month limit on collateral attacks to an adoption: protecting children who have

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be attacked at any time, except for appeal); N.D. Cent. Code §14-15-16 (2016) (one year, unless adoptee not yet in adoptive parents' custody); Ohio Rev. Code Ann. §3107.16 (2016) (one year, unless adoptee not yet in adoptive parents' custody or adult adoptee had no notice of the adoption decree within the one-year period); Okla. Stat. Ann. tit. 10, §7505-7.2 (2016) (three months); Or. Rev. Stat. §109.381 (2015) (one year); R.I. Gen. Laws §9-21-2 (2016) (one year); Tenn. Code Ann. §36-1-122 (2016) (one year); Tex. Fam. Code Ann. §162.012 (2016) (cannot be attacked after six months); Wash. Rev. Code Ann. §26.33.360 (2016) (parent who executed consent may not attack decree after one year); W. Va. Code Ann. §48-22-704 (2016) (six months).

become bonded to a parent from the trauma of separation.

The Alabama Supreme Court's decision will have serious adverse consequences for adopted children. The continuity of parent-child relationships is vital to children's healthy development. *See, e.g.*, Joseph Goldstein, Anna Freud & Albert J. Solnit, *Beyond The Best Interests of the Child* 27, 31–33 (1979). Any significant disruption to the parent-child relationship can cause short-term and long-term mental health effects. *Frank J. Dyer, Termination of Parental Rights in Light of Attachment Theory: The Case of Kaylee*, 10 Psychol. Pub. Pol'y & L. 5, 11 (2004).

When a child's relationship with a parent is severed, the psychological impact on the child can permanently damage the child's ability to form healthy relationships later in life. Goldstein, *supra*, at 33-34. "Research has shown that older children, adolescents, and adults with a history of insecure attachments are likely to have difficulty developing secure ones." James X. Bembry & Carolyn Ericson, *Therapeutic Termination with the Early Adolescent Who Has Experienced Multiple Losses*, 16 Child & Adolescent Soc. Work J. 177, 182 (1999); W Andrew Collins & L. Alan Sroufe, *Capacity for Intimate Relationships: Developmental Construction, in The Development of Romantic Relationships in Adolescence* 125-27 (Wyndol Furman et al., eds., 1999). Thus, the negative mental health effects of disruption to the parent-child relationship may extend far beyond childhood.

The effects of disruption to the parent-child relationship are particularly acute in early adolescence when children undergo so many rapid changes that separation from a parent can cause a "pileup" effect.

Bembry & Ericson, *supra*, at 179; *see also* Dyer, *supra*, at 11 ("there are numerous empirical findings that provide a solid research basis for predictions of long-term harm associated with disrupted attachment and loss of a child's central parental love objects").

Children assume that they can depend on the adults who are their parents. When that assumption proves wrong, "a child may question many other assumptions about the world [including] whether he or she can count on the availability of *any* parent." William F. Hodges, *Interventions for Children of Divorce: Custody, Access and Psychotherapy* 8 (2d ed. 1991) (emphasis in original).

The emotional damage to a child arising from the termination of a parental relationship can have dramatic and concrete adverse effects on the child. The severing of a school-age child's bonded relationship with a person who has functioned as his or her parent can lead to behavioral problems at school and with the law. Dyer, *supra*, at 11.

The Alabama Supreme Court has opened the door to reconsideration of any adoption that could be said to deviate in any way from the statutory requirements of the State where it was granted. That is a very dangerous precedent that stands only to harm children. While States may, of course, impose limits and regulations on adoption, once an adoption takes place, it is critical to the child's well-being that it not be subject to rescission years after the fact. For this reason, the Court should grant *certiorari* to protect all adopted children.

II. CERTIORARI SHOULD BE GRANTED TO PROTECT SIMILARLY SITUATED CHILDREN NATIONWIDE.

A. The Decision Threatens The Finality Of Second-Parent Adoptions In Numerous States.

The instant case does not arise from unique facts or law; to the contrary, Georgia's adoption statutes are typical of adoption statutes nationwide. As a result, the Alabama Supreme Court's re-examination of the merits of an adoption performed in another state represents a serious risk to adopted children throughout the country if embraced by other States.

As in Georgia, the statutes of most States were written with the traditional adoption in mind, in which two things happen: (1) a child is adopted by a new parent or parents who are not biologically related to the child, and (2) the parental rights of the child's birth parents are simultaneously terminated. Haralambie, *supra*, §14:1. In light of this paradigm, most state adoption statutes anticipate that an adoption terminates the rights of all biological parents.

Most States, however, recognize stepparent adoption as an exception to the rule that an adoption automatically terminates the rights of a child's existing parents. Susanna Birdsong, *Voiding Motherhood: North Carolina's Shortsighted Treatment of Subject Matter Jurisdiction in Boseman v. Jarrell*, 21 Am. U.J. Gender Soc. Pol'y & L. 109, 112 (2012). Under that exception, one of the child's biological parents may consent to having a person to whom that parent is legally married adopt

the child, without the termination of that biological parent's rights and responsibilities.[3] *See, e.g.*, Ind. Code Ann. §31-19-15-2(a) (2015); *In re Adoption of K.S.P.*, 804 N.E.2d 1253, 1255 (Ind. Ct. App. 2004).

In recent decades, most States have extended the stepparent exception to adoptions known as second parent adoptions in which the adoptive parent is not legally married to the current legal parent. *See infra* pp.14–15. As with a stepparent adoption, the child is adopted by a second, non-biological parent, with the consent of the first parent who does not relinquish parental rights and responsibilities. These reforms enabled same-sex partners to adopt the children of their partner, even before any State permitted same-sex marriage,[4] just as stepparents in opposite-sex marriages could.

Although many second parent adoptions involve same-sex couples, the California Supreme Court has explained that second parent adoptions are also granted in other situations. *Sharon S. v. Superior Court*, 73 P.3d 554, 571 (Cal. 2003). As examples, it identified adoption by an unmarried partner in an

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[3]In stepparent adoptions and second parent adoptions in which there is another living biological parent, most States require that the parental rights of that other biological parent be terminated before a stepparent adoption is granted. In this case, however, the children had only one biological parent, E.L.

[4]With this Court's decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), same-sex couples now have the right to marry in every State. That does not resolve the problem the Alabama Supreme Court's decision has created for second-parent adoptions granted prior to *Obergefell* to same-sex partners who were then unable to marry. And, as discussed below, second-parent adoptions are not and have not been limited to same-sex couples previously excluded from marriage.

opposite-sex relationship and "kinship adoptions, in which a grandparent or other relative [becomes] a second legal parent to a child whose very young mother is unable to raise the child on her own." *Id.* Accordingly, the need to protect finality remains crucial to a variety of completed second parent adoptions.

While stepparent adoption is recognized by statute in most jurisdictions, second parent adoptions by non-married couples are provided for by statute in only four states: California,[5] Colorado,[6] Connecticut,[7] and Vermont.[8] Ten other jurisdictions have recognized second parent adoptions through appellate court decisions: the District of Columbia,[9] Idaho,[10] Illinois,[11] Indiana,[12] Maine,[13]

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[5]Cal. Fam. Code §8617. Prior to the California Legislature authorizing second parent adoption by statute in 2013, the California Supreme Court had recognized second parent adoptions in *Sharon S. v. Superior Court*, 73 P.3d 554, 571 (Cal. 2003).

[6]Colo. Rev. Stat. §§19-5-203(1)(d.5)(I), 19-5-208(5), 19-5-210(1.5), 19-5-211(1.5) (2015).

[7]Conn. Gen. Stat. §45a-724(a)(3) (2015) ("any parent of a minor child may agree in writing with one other person who shares parental responsibility for the child with such parent that the other person shall adopt or join in the adoption of the child").

[8]Vt. Stat. Ann. tit. 15A, §1-102(b) (2015) ("If a family unit consists of a parent and the parent's partner, and adoption is in the best interest of the child, the partner of a parent may adopt a child of the parent. Termination of the parent's parental rights is unnecessary in an adoption under this subsection.").

[9]*In re M.M.D. & B.H.M.*, 662 A.2d 837 (D.C. 1995).

[10]*In re Adoption of Doe*, 326 P.3d 347 (Idaho 2014).

Massachusetts,[14] New Jersey,[15] New York,[16] Oklahoma,[17] and Pennsylvania.[18] Trial court judges have granted second parent adoptions in at least sixteen additional states, including: Alabama, Alaska, Delaware, Georgia, Hawaii, Iowa, Louisiana, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Texas, and Washington. Joan H. Hollinger, *Adoption Law and Practice* (3d ed. 2015); *see also* Leslie Harris, *Voluntary Acknowledgments of Parentage for Same-Sex Couples*, 20 Am. U.J. Gender Soc. Pol'y & L. 467, 471–72 (2012).

Accordingly, while at least 30 states have permitted second-parent adoptions, almost all of them have done so under statutory frameworks that, like Georgia's, do not expressly embrace the concept. As a result, the number of children who could be adversely affected by the Alabama Supreme Court's decision is large. *See Sharon S.*, 73 P.3d at 571–72 (noting that permitting challenge to second-parent adoption "would cast a shadow of uncertainty over

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[11] *In re Petition of K.M. & D.M.*, 653 N.E.2d 888 (Ill. App. Ct. 1995).

[12] *In re Adoption of K.S.P.*, 804 N.E.2d 1253 (Ind. Ct. App. 2004).

[13] *In re Adoption of M.A.*, 930 A.2d 1088 (Me. 2007).

[14] *In re Adoption of Tammy*, 619 N.E.2d 315 (Mass. 1993).

[15] *In re Adoption of Two Children by H.N.R.*, 666 A.2d 535 (N.J. Super. Ct. App. Div. 1995).

[16] *In re Jacob*, 660 N.E.2d 397 (N.Y. 1995).

[17] *Eldredge v. Taylor*, 339 P.3d 888 (Okla. 2014).

[18] *In re Adoption of R.B.F. & R.C.F.*, 803 A.2d 1195 (Pa. 2002).

the legal relationships between thousands of children and their adoptive parents"). Not only are all children in Alabama who had a second-parent arrangement formalized in another State at risk, but similarly situated children in other States are also at risk if other state courts follow the flawed reasoning of the Alabama Supreme Court.

B. In Addition To the Trauma of Separation, The Decision Will Deprive Affected Children of Important Rights and Benefits Their Legal Relationship With An Adoptive Second Parent Would Otherwise Afford Them.

As discussed in Section I, separation from a parent can cause tremendous and lasting emotional harm to a child. Research demonstrates those negative mental health consequences can occur regardless of whether the parent is biologically related to the child. *See, e.g.*, Yvon Gauthier et al., *Clinical Application of Attachment Theory in Permanency Planning for Children in Foster Care: The Importance of Continuity of Care*, 25 Infant Mental Health J. 379, 381, 394 (2004) ("Children cannot understand why they are being separated from the parents that were given to them and that they somehow gave themselves through an attachment process "). Disruption to children's bonded attachments to adults serving as their parents can cause the children to experience aggression, academic problems in school, and psychopathology. Ana H. Marty et al., *Supporting Secure Parent-Child Attachments: The Role of the Non-Parental Caregiver*, 175 Early Child Dev. & Care 271, 274 (2005). The Alabama Supreme Court's decision has thus placed the children in this case and other affected children at serious risk.

In addition to emotional trauma, the Alabama Supreme Court's decision will also cause tangible harms to those adopted children who lose their legal relationship with their second parent. Second parent adoption protects children by giving them the security of having two legally recognized parents. The American Academy of Pediatrics supports second parent adoption by non-married partners because "these families and children need the permanence and security provided by having [two] fully sanctioned and legally defined parents."[19] It follows that unwinding completed second-parent adoptions creates very real insecurity and deprives the children affected of important rights.

The California Supreme Court, in rejecting a collateral attack on a second parent adoption by a biological mother who later regretted consenting to the adoption, explained that to allow such challenges "would invite withdrawals of entitlements to previously available health and pension benefits . . . The ultimate financial and emotional losers [would] be children who are the intended beneficiaries of the adoption laws." *Sharon S.*, 73 P.3d at 571–72 (internal quotation marks omitted).

The practical effects on adopted children of severing second-parent adoptions are many and include the following:

- *Health Insurance.* The child may be ineligible for employer-provided health insurance of

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[19]Am. Acad. of Pediatrics, *Coparent or Second-Parent Adoption By Same-Sex Partners* (2002), *available at* http://pediatrics.aappublications.org/content/pediatrics/109/2/339.full.pdf.

the second parent, because the second parent would be a legal stranger to the child.

- *Child Support.* *The parent whose adoptive ties are severed would not be legally required to support the child financially, either while in a relationship with the biological/first parent or after the termination of that relationship.*
- *Inheritance.* *A child who is not a legally recognized child of the deceased person is not covered by intestacy statutes and cannot inherit, even if the deceased acted as a parent and provided for the child since birth. See, e.g., Ellis v. West ex rel. West, 971 So. 2d 20, 22-23 (Ala. 2007) (reversing lower court for liberally construing the statute to avoid disinheriting minor children).*
- *Social Security Benefits.* *For purposes of Old-Age, Survivor and Disability Insurance ("OASDI") benefits, the definition of "child" is limited to "the child or legally adopted child of an individual," a stepchild under limited circumstances, or a grandchild or stepgrandchild under limited circumstances. See 42 U.S.C. §416(e) (2015).*
- *Worker's Compensation.* *When a worker dies, his or her children may be entitled to a death benefit. See, e.g., Ala. Code §25-5-31 (2015).*
- *Family Continuity.* *If the biological/first adoptive parent were to die while the second parent's rights were not legally recognized, the child could be left without a parent and be at risk of entering the foster system. The*

> *non-biological parent would be unable to carry out such basic functions to meet the child's needs as registering the child for school (Ala. Code §16-1-11.2 (2015)), or making medical decisions.*

Accordingly, the severing of a child's legal relationship with an adoptive parent deprives that child of the protection these benefits can provide. That result constitutes an obvious and intolerable injustice to children.

CONCLUSION

To protect adopted children that the Alabama Supreme Court's decision places at risk of irreparable harm, certiorari should be granted.

Respectfully submitted,

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